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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,587	03/09/2001	Andrea Bowes Chowanic	201-0005	7796

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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER	
BROADHEAD, BRIAN J	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/802,587	CHOWANIC ET AL.	
	Examiner	Art Unit	
	Brian J. Broadhead	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 through 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roeseler et al., 6317684, in view of Van Roekel, 6163751.

3. As per claims 1 and 5, Roeseler et al. discloses a data processor having a data base of routing information over which a land vehicle may travel, the data processor being programmable with a starting point an a destination point, the data processor being provided with user preferences and real time parameters that are used in providing previously selected route that is selected prior to beginning traversing the route on lines 30-60, on column 5; a GPS providing a set of current location data corresponding to the current location of the vehicle on lines 55-65, on column 7; and the data processor providing an alternative route to the destination point based upon the set of current location data, user preference data and a set of updated real-time parameters that provides the user with the alternative route while traversing the previously selected route on lines 30-37, on column 7; wherein the set of real time parameters are used by the data processor depending upon availability in calculating an alternate route, comparing the previously selected route to the alternate route, and providing information to the driver to evaluate and select between the previously selected route and the

alternate route only when the alternate route would provide a predetermined improvement in efficiency as measured by the user preference data on lines 55-60, on column 5, and lines 7-14, on column 6 inputting a starting location, destination location, a set of real time parameters on lines 58-67, on column 7; inputting a set of user preferences on lines 45-50, on column 1; calculating at least one route from the starting point to the destination point including factoring in the effect of the real time parameters and user preferences on lines 1-5, on column 8; selecting one of the routes and traveling along a selected route toward the destination on lines 5-10, on column 8; calculating an alternate route from an intermediate location to the destination location based upon the updated set of real time parameters on lines 15-20, on column 8; comparing the selected route to the alternate route and providing information to the drive to evaluate and choose between the selected route and the alternate route, the choice of the driver thereafter being the selected route for the continuation of traveling to the destination location on lines 35-37, on column 7; wherein the steps of updating the set of real time parameters, calculating an alternate route, comparing the previously selected route to the alternate route, are repeated in response to each update of the real time parameters while traveling along the selected route and the step of providing information to the driver to evaluate and select between the previously selected route and the alternate route is repeated only when the alternate route would provide a predetermined improvement in efficiency as measured by the user preference data on lines 55-60, on column 5, and lines 7-14, on column 6. Roeseler et al. do not disclose filtering the information provided to the driver. Van Roekel teaches of filtering the

information to the driver on lines 27-37, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the filtering of Van Roekel in the invention of Roeseler et al. because such modification would allow the user to define the conditions for supplying the output device with the selected information as stated on lines 27-30, on column 2 of Van Roekel.

4. As per claim 2, Roeseler et al. discloses the user preference data is one of shortest time, shortest distance, maximum freeway use, minimum freeway use, maximum toll road use, and minimum toll road use on lines 44-48, on column 1.

5. As per claim 3, Roeseler et al. discloses the set of real time parameters comprise traffic data, weather data, train schedule data, draw bridge data, construction data, and special event data that are used by the data processor depending upon availability in calculating an alternate route, comparing the previously selected route to the alternate route, and providing information to driver to evaluate and select between the previously selected route and the alternate route repeatedly in response to each update to the real time parameters while traveling along the selected route on lines 55-60, on column 5.

6. As per claim 4, Roeseler et al. discloses the information provided to the driver to evaluate and select between the previously selected route and the alternate route is selectively provided only when the alternate route would provide a predetermined improvement in efficiency as measured by a selected parameter on line 30-37, on column 7.

7. As per claim 5, Roeseler et al. discloses inputting a starting location, destination location, a set of real time parameters on lines 58-67, on column 7; inputting a set of

user preferences on lines 45-50, on column 1; calculating at least one route from the starting point to the destination point including factoring in the effect of the real time parameters and user preferences on lines 1-5, on column 8; selecting one of the routes and traveling along a selected route toward the destination on lines 5-10, on column 8; calculating an alternate route from an intermediate location to the destination location based upon the updated set of real time parameters on lines 15-20, on column 8; comparing the selected route to the alternate route and providing information to the drive to evaluate and choose between the selected route and the alternate route, the choice of the driver thereafter being the selected route for the continuation of traveling to the destination location on lines 35-37, on column 7; wherein the steps of updating the set of real time parameters, calculating an alternate route, comparing the previously selected route to the alternate route, are repeated in response to each update of the real time parameters while traveling along the selected route and the step of providing information to the driver to evaluate and select between the previously selected route and the alternate route is repeated only when the alternate route would provide a predetermined improvement in efficiency as measured by the user preference data on lines 55-60, on column 5, and lines 7-14, on column 6.

8. As per claim 6, Roeseler et al. discloses the step of updating the set of real time parameters, calculating the alternate route, and comparing the previously selected route to the alternate route are repeated in response to each update of the real time data on lines 36-40, on column 3; and the step of providing information to the driver to evaluate and select between the previously selected route and the alternate route is repeated

upon receiving a request from the user or when the alternate route would provide a predetermined degree of improvement in efficiency in reference to at least one select parameter on lines 62-67, on column 5.

9. As per claim 7 and 8, Roeseler et al. disclose the step of providing information to the user is repeated only when the alternate route results in a reduction of the time or cost of travel from the intermediate location to the destination location on lines 38-50, on column 2.

10. As per claim 9, Roeseler et al. disclose the real-time parameters are selected from the group of traffic data, weather data, train schedule data, draw bridge data, construction data, and special event data on lines 55-60, on column 5.

11. As per claim 10, Roeseler et al. disclose the real time parameters are data that may be provided to the data processor that could impact the time or cost of travel to the destination location on lines 12-14, on column 6.

12. As per claim 11, Roeseler et al. disclose the starting location and intermediate location are input from a global positioning system on lines 58-62, on column 7.

Response to Arguments

13. Applicant's arguments with respect to claims 1 through 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB
October 20, 2003

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600